



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 007401-000 | 05/07/95 | EMILIA JANSKI | 1003 |

FOLEY & LARDNER
3000 K STREET NW
SUITE 500
P O BOX 25696
WASHINGTON DC 20007-0696

1002/0010

| EXAMINER | |
|----------|--------------|
| FOX, D | |
| ART UNIT | PAPER NUMBER |
| 1003 | 18 |

DATE MAILED:

05/10/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

See attachment.

Serial Number: 08/484,838
Art Unit: 1803

-2-

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

IN THE CLAIMS:

Claims 2 and 8 were cancelled without prejudice.

In claim 1, line 9, "comprised" was replaced with --compromised--.

In claim 1, line 10, "of" was changed to --or--.

In claim 4, part (a)(i), line 3, the following phrase was inserted after "gene":

~~that~~ that confers resistance to an herbicide or antibiotic, --.

In claim 4, part (b)(ii)B., line 2, the following phrase was inserted after "antibiotic":

~~to~~to eliminate plants which do not contain the DNA sequence defined in (a) ~~the~~.

In claim 12, line 3, "chemical agent or physiological stress" was replaced with --herbicide or antibiotic--.

Authorization for this examiner's amendment was given in a telephone interview with Donald J. Pelto on 6 June 1997.

All claims are allowable. However, due to a potential interference, *ex parte* prosecution is SUSPENDED FOR A PERIOD OF SIX (6) MONTHS from the date of this letter. Upon expiration of

Serial Number: 08/484,838
Art Unit: 1803

-3-

the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Fox whose telephone number is (703) 308-0280. The examiner can normally be reached on Monday through Friday from 9:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Robinson, can be reached on (703) 308-2897. The fax phone number for this Group is (703) 308-4227.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

June 6, 1997

DAVID T. FOX
PRIMARY EXAMINER
GROUP 180

